IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2263 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HAMIRBHAI R KACHHOT

Versus

STATE OF GUJARAT

Appearance:

MR DM THAKKAR for Petitioner No. 1

MR PM RAVAL for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 27/09/2002

ORAL JUDGEMENT

By filing this petition under Article 226 of the Constitution, the petitioner has prayed to issue an

appropriate writ or order to quash and set aside the order dated April 4, 1991, passed by the District Primary Education Officer, Junagadh, by which he is suspended from service, as he had remained in police custody for more than 48 hours in connection with criminal cases registered against him, which are enumerated in the said order.

2. The learned counsel for the petitioner seeks permission to withdraw the petition with a view to making appropriate representation to the competent authority regarding subject matter of the petition. Permission as prayed for is granted. If the petitioner makes a representation regarding subject matter of the petition, the same shall be considered by the District Primary Education Officer, District Education Committee, Junagadh, in accordance with law as well as having regard to the facts of the case as obtaining today.

Subject to the above direction, the petition stands disposed of as withdrawn. Rule is discharged with no order as to costs. Interim relief granted earlier is hereby vacated.

(J.M.Panchal,J.)

(patel)